

Development of Anti-Corruption Policy: Main Obligations of Political Parties

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Major anti-corruption mottos of the elections to the Verkhovna Rada of the sixth convocation were as follows: the abolition of deputy immunity (however, following the legislative procedure, this issue shall be settled not by amendments to the law "On the Status of People's Deputies of Ukraine" but by changes to the Constitution of Ukraine (Article 80), counteraction to political corruption interpreted by politicians mostly as "disloyalty to voters' interests" and criticism of the current system of deputy privileges and preferences.

Yet, among other front-page headlines, attention shall be paid to anti-corruption commitments of political parties and blocs. This is needed to understand how the election participants, who will soon either come to power or go to the opposition, will formulate anti-corruption policy, at least, in their programs and proposals.

Electoral commitments incorporated the judicial reform and public election of judges (Yulia Tymoshenko's Bloc, the Party of Regions and Our-Ukraine-People's Self-Defense Bloc). It has to be mentioned that an opportunity to put the above initiatives into practice is rather dubious in view of the present-day socio-political realities. Today, when power and the business go hand in hand, there are numerous attempts to bribe voters. Hence, the proposed model of judges' election just increases corruption risks in the judicial system.

Another obligation of parties and blocs is the creation of a governmental agency to combat corruption (OU-PSD and the PR). By the way, as for the above commitment, political forces repeat their already-made proposals and recommendations of international structures on the development of anti-corruption policy in Ukraine. Anti-corruption commitments of candidates for Members of Parliament also include the abolition of deputy immunity and the system of various (unjustified) privileges for officials, application of different forms of public control of power, improvement of the anti-corruption law (OU-PSD, the PR, BYuT, the CPU and SPU), extension of terms of responsibility for corruption offences (Lytvyn's Bloc, SPU and BYuT) and clearance of law-enforcement agencies from corrupt officials (BYuT and OU-PSD).

At the previous parliamentary elections, parties and blocs also actively exploited the issue of combating corruption and separation of power from business. Specifically, BYuT's election program governed, "Punishment will be adequate to an offense. only serious crimes against human beings and society will be punishable with imprisonment, whereas others – with fines and forced works." The Communist Party promised to eradicate crime and corruption, since "it is people's power that will get rid of corruption in state machinery and judicial authorities and ensure effective public control over work of governmental agencies." In 2006, Our Ukraine promised to eliminate political preconditions for corruption. Its program read, "It is necessary to abolish deputy immunity, apply accountability of officials on their incomes and

expenditures, take actions, which will put an end to corruption in judicial machinery and renew people's trust in their neighbors."

Meanwhile, Ukrainian politicians were not in a hurry to meet their election promises and obligations. An indicative example is that at the legislative level, the Ukrainian government has failed to develop an Anti-Corruption Action Plan over a year. This Plan was adopted during the parliamentary campaign. On August 15, 2007, the Cabinet of Ministers eventually approved the Anti-Corruption Action Plan "Towards Honesty" till 2010. Needless to say, government officials (e.g. Prime Minister O. Kuzmuk accentuated that "the Action Plan is not electoral advertisement and is formulated to implement a respective program approved by the September 11, 2006 presidential decree No. 742/2006 "On the Concept of Overcoming Corruption in Ukraine "Towards Honesty."

The Committee for Combating Organized Crime and Corruption at the Verkhovna Rada of the 5th convocation consisted of 11 MPs. However, effectiveness of their work remained unknown to the public because the "Recent News" section on the committee's site (http://www.rada.gov.ua/~k_org_zloch/) was last updated on January 16, 2006...

There were instances, when anti-corruption initiatives in the Verkhovna Rada were supported by the constitutional majority. Incidentally, in October 2006, 417 MPs voted for the draft on the ratification of the Criminal Convention on Combating Corruption. Nevertheless, this political step requires the further improvement of the anti-corruption law in order to make provisions of the bill effective.

Though, Ukrainian MPs are not unanimous about this matter, as is evidenced by results of the October 18, 2006 discussion of a package of anti-corruption initiatives submitted to the parliament by the President of Ukraine (drafts "On Principles of Preventing and Combating Corruption" and "On Amending Some Laws of Ukraine on Responsibility for Corruption Offences"). The above bills specify the term "corruption", types of corruption offences and other corruption-related crimes, procedures for anti-corruption examination of normative and legislative acts and public participation in corruption prevention (among other things this provides for a responsibility to transfer property of officials holding political offices and members of their families to management of third persons).

Last fall, the Verkhovna Rada forwarded three bills on preventing and combating corruption to the Committee for Combating Organized Crime and Corruption for the revision. Major motives of MPs were not significant: negative attitude to an opportunity "to set up a special anti-corruption department" and suspicions voiced by Vice Speaker A. Martyniuk that such the law may "ruin the Criminal as well as the Criminal and Procedural Codes and other documents." In fact, a conflict in the discussion of bills emerged between the President and the parliament. Hence, the parliament did not resume consideration of the above anti-corruption bills afterwards.

By the way, despite its populist anti-corruption rhetoric, the Verkhovna Rada of the 5th convocation did not make an effort to develop the anti-corruption law. In this respect, attention shall be paid to an excerpt from the opinion by the Main Scientific and

Expert Department on the bill on amending some laws on responsibility for corruption offences reading, "Many provisions of anti-corruption bills submitted for consideration to the Verkhovna Rada, including the particular draft, contain numerous failings even after the improvement. The adoption of these provisions shall conflict with the principles of justice and adequacy of punishment to a committed offence. It might essentially and unfairly complicate the application of the law and, in some cases, it might not only cause difficulties but also facilitate the commitment of corruption acts and decrease responsibility for such violations of law." And this is no wonder because sometimes, parliamentary work on the improvement of the anti-corruption legislation was limited mostly to mutual corruption accusations of political rivals...

The need to solve problems is indicated by the importance of the issue and its value for the state. For example, the **"Ukraine: Economic Assessment of 2007"** report by OSCE interpretes the current practice of decision-making and corruption as obstacles impeding the deployment of reserves for the national economic development reading, *"...in many cases, uncertainty and unpredictability of government actions is caused by non-transparency. In their turn, these factors contribute to the growth of corruption and undermine property rights. Hence, the enhancement of quality of public administration and strengthening of the rule of law remain among critical priorities."* The same factors hinder the inflow of foreign investment. The report by the Western NIS Enterprise Fund on Ukraine reads, *"The country did not attain its expected potential because it could not whittle away state interference with the market, remove administrative barriers to business, attain the privatization target and become attractive for foreign and domestic investors."*

Notwithstanding the application of different anti-corruption actions much talked about by parties and authorities, international organizations report the increase of corruption in the country. Specifically, the Corruption Perception Index in 2006 and 2007 was 2.8 and 2.7 respectively (by the 10 points scale, where 0 is the highest level of corruption and 10 – its total absence). This year, Ukraine ranks the 118th, whereas in 2006, it was the 99th among 163 countries.

Regarding the influence of corruption on life, of special note is citizens' assessment of the most corrupt areas they face every day. According to polling results in the framework of *the Promoting Active Citizen Engagement (PACE) in Combating Corruption in Ukraine Project implemented by the Management Systems International in cooperation with the Kyiv International Institute of Sociology*, bribery in medicine, law-enforcement activity, housing services, customs, judicial system, the prosecutor's office and education has considerably increased over the past decade. Within the same period, in taxation service, the State Traffic Inspection and social service the number of bribery offences reduced. Answering the question where they gave bribes, the respondents enumerated higher education establishments, medical institutions, law-enforcement agencies and authorities responsible for business regulation and inspection as the most corrupt. Hence, 67% of Ukrainians, who dealt with state officials over the last month, report their direct involvement in different corruption acts. 26% said they gave bribes last year. And, in the opinion of the majority of citizens (77%), the level of corruption in Ukraine has either remained stable or increased since 2004. Over 2/3 of the respondents deem that authorities at a variety of levels do not make enough efforts to fight corruption (*the site of the Promoting Active Citizen Engagement (PACE) in Combating Corruption in Ukraine*

Project // <http://www.pace.org.ua>).

As for anti-corruption commitments of political parties and blocs, voters might expect the parliament to search ways to carry out the judicial reform and internal political discussions of public election of judges (since not all politicians members of political forces, which declared the above thesis in their election programs, share this opinion). A new parliament will have to further improve the anti-corruption law inherited from deputies of the Verkhovna Rada of the 5th convocation; debate the abolition of deputy immunity and related constitutional issues; discuss the reform of law-enforcement agencies and the creation of a body coordinating anti-corruption activity.

As is evident, the system of combating corruption needs consistent social changes, economic transformations, state service reform, application of public control of power and implementation of policy geared toward criticizing the government's work. With regard to these objectives, the development and implementation of anti-corruption policy is a long process motivated by political will and efforts focused on creating the atmosphere of intolerance to manifestations of corruption in society and coordinating actions of power and communities.

According to election commitments of political parties and blocs, a future government shall pursue policy aimed at combating corruption and taking comprehensive actions in this field. This provides for the settlement of some organizational issues concerning coordination of activity of authorities in a respective area; consideration of recommendations by international organizations because corruption may be a transnational phenomenon; effective control of the implementation of the Anti-Corruption Action Plan in the framework of the Concept of Overcoming Corruption in Ukraine "Towards Honesty" adopted by the September 11, 2006 presidential decree; development of cooperation of governmental agencies with civil society institutions on fighting corruption and realizing the information element of the anti-corruption campaign, which would promote intolerance to manifestations of corruption in society. These consistent actions shall be among paramount objectives of the implementation of anti-corruption policy attended with real discredit of power and political will to put the declared goals into practice.

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